

ASSEMBLY, No. 2395

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MARCH 4, 2010

Sponsored by:

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Assemblyman PETER J. BIONDI

District 16 (Morris and Somerset)

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

SYNOPSIS

"Geologist Licensing Act."

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT providing for the licensing of geologists, supplementing
2 Title 45 of the Revised Statutes and amending various parts of
3 the statutory law.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. (New section) This act shall be known and may be cited as
9 the "Geologist Licensing Act."

10
11 2. (New section) As used in this act:

12 "Board" means the State Board of Geologist Examiners.

13 "Director" means the Director of the Division of Consumer
14 Affairs in the Department of Law and Public Safety.

15 "Geological science" means the science that includes: treatment
16 of the earth and its origin and history in general; the investigation of
17 the earth's constituent rocks, minerals, solids, fluids, including
18 surface and underground waters, gases and other materials; and the
19 study of the natural agents, forces, and processes that cause changes
20 in the earth.

21 "Licensed geologist" means a person who is licensed pursuant to
22 the provisions of this act.

23 "Practice of geological science" means performance of
24 geological service or work including, but not limited to, collection
25 of geological data, consultation, investigation, evaluation,
26 interpreting, planning, geological mapping, or inspection relating to
27 a service or work that applies to geological science.

28

29 3. (New section) a. There is created within the Division of
30 Consumer Affairs in the Department of Law and Public Safety the
31 State Board of Geologist Examiners. The board shall consist of
32 nine members who are residents of this State, two of whom shall be
33 public members appointed pursuant to the provisions of subsection
34 b. of section 2 of P.L.1971, c.60 (C.45:1-2.2) and one of whom
35 shall be from a department in the Executive Branch of State
36 Government, appointed in fulfillment of the requirement of
37 subsection c. of that section. The remaining six members shall have
38 been actively engaged in the practice of geological science for at
39 least five years immediately preceding their appointment, and,
40 except for the members first appointed, shall be licensed geologists.

41 b. The Governor shall appoint each member, other than the
42 State executive department member, for a term of three years,
43 except that of the geologists first appointed, two shall serve for
44 terms of three years, two shall serve for terms of two years and two
45 shall serve for terms of one year. Any vacancy in the membership

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 shall be filled for the unexpired term in the manner provided by the
2 original appointment. No member of the board may serve more
3 than two successive terms in addition to any unexpired term to
4 which he has been appointed. The Governor may remove any
5 member of the board, other than the State executive department
6 member, for cause.

7 c. Members of the board shall be compensated and reimbursed
8 for actual travel, incidental, and clerical expenses necessarily
9 incurred in carrying out the provisions of this act.

10
11 4. (New section) The board shall organize within 30 days after
12 the appointment of its members and shall annually elect from
13 among its members a chairperson and a vice-chairperson. The
14 board shall meet twice a year and may hold additional meetings as
15 necessary to discharge its duties. A majority of the board
16 membership shall constitute a quorum.

17
18 5. (New section) The board shall, in addition to such other
19 powers and duties as it may possess by law:

- 20 a. Review the qualifications of applicants for licensure;
- 21 b. Adopt a code of ethics;
- 22 c. Insure the proper conduct and standards of examinations;
- 23 d. Issue and renew biennial licenses for geologists pursuant to
24 this act;
- 25 e. Adopt rules and regulations pursuant to the "Administrative
26 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as it may
27 deem necessary to enable it to perform its duties under, and to
28 enforce the provisions of, this act;
- 29 f. Maintain a record of every geologist licensed in this State,
30 their place of business, and the date and number of their license;
31 and
- 32 g. Prescribe or change the charges for examinations,
33 certifications, licensures, renewals and other services performed
34 pursuant to P.L.1974, c.46 (C.45:1-3.1 et seq.).

35
36 6. (New section) No person shall engage in the practice of
37 geological science as a licensed geologist or present, call or
38 represent himself as a licensed geologist unless licensed in
39 accordance with the provisions of this act.

40
41 7. (New section) The provisions of this act shall not apply to
42 any person licensed by the State as a professional engineer or land
43 surveyor who is acting within the scope of his profession.

44
45 8. (New section) To be eligible to be licensed as a geologist,
46 an applicant shall fulfill the following requirements:

- 47 a. Be of good moral character;
- 48 b. (1) Have received a baccalaureate or higher academic

1 degree from a college or university accredited by an agency
2 recognized by the United States Department of Education, and
3 completed not less than three years of board-approved geologic
4 experience, which shall include a minimum of one year of
5 geological work under the supervision of a geologist licensed in this
6 State, or under the supervision of others who, in the opinion of the
7 board, are qualified to have responsible charge of geological work;
8 or

9 (2) Have completed 30 semester hours in geological science or
10 related courses approved by the board, of which 24 semester hours
11 are in the junior or senior year or at the graduate level, and no less
12 than five years of geologic experience approved by the board; or

13 (3) Have completed at least 10 years of practical geologic
14 experience approved by the board. Each complete year of study in
15 a curriculum approved by the board may be accepted as one half
16 year of experience, up to a minimum of two years of experience;
17 and

18 c. Have successfully passed an examination covering the
19 fundamentals and practice of geological science administered or
20 approved by the board.

21 d. In lieu of the professional experience required under
22 subsection b. of this section, the following credentials may be
23 substituted:

24 (1) One year of professional experience will be credited to an
25 applicant with a master's degree in geological science from an
26 accredited college or university; or

27 (2) Two years of professional experience will be credited to an
28 applicant with a doctorate in geological science from an accredited
29 college or university.

30 However, no applicant holding an advance degree in geological
31 science may receive more than two years of credit toward
32 satisfaction of the professional experience requirement.

33
34 9. (New section) All licenses shall be issued for a two-year
35 period upon the payment of the licensure fee prescribed by the
36 board and shall be renewed upon filing of a renewal application and
37 the payment of a licensure fee.

38
39 10. (New section) Upon payment to the board of a fee and the
40 submission of a written application on forms prescribed by it, the
41 board shall license without examination a geologist who is licensed,
42 registered or certified by another state or possession of the United
43 States or the District of Columbia which has standards substantially
44 equivalent to those of this State.

45
46 11. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read
47 as follows:

48 1. The provisions of this act shall apply to the following boards

1 and commissions: the New Jersey State Board of Accountancy, the
2 New Jersey State Board of Architects, the New Jersey State Board
3 of Cosmetology and Hairstyling, the Board of Examiners of
4 Electrical Contractors, the New Jersey State Board of Dentistry, the
5 State Board of Mortuary Science of New Jersey, the State Board of
6 Professional Engineers and Land Surveyors, the State Board of
7 Marriage and Family Therapy Examiners, the State Board of
8 Medical Examiners, the New Jersey Board of Nursing, the New
9 Jersey State Board of Optometrists, the State Board of Examiners of
10 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of
11 Pharmacy, the State Board of Professional Planners, the State Board
12 of Psychological Examiners, the State Board of Examiners of
13 Master Plumbers, the New Jersey Real Estate Commission, the
14 State Board of Court Reporting, the State Board of Veterinary
15 Medical Examiners, the Radiologic Technology Board of
16 Examiners, the Acupuncture Examining Board, the State Board of
17 Chiropractic Examiners, the State Board of Respiratory Care, the
18 State Real Estate Appraiser Board, the State Board of Social Work
19 Examiners, the State Board of Examiners of Heating, Ventilating,
20 Air Conditioning and Refrigeration Contractors, the State Board of
21 Physical Therapy Examiners, the Orthotics and Prosthetics Board of
22 Examiners, the New Jersey Cemetery Board, the State Board of
23 Polysomnography, the New Jersey Board of Massage and
24 Bodywork Therapy, the State Board of Geologist Examiners, the
25 Genetic Counseling Advisory Committee and any other entity
26 hereafter created under Title 45 to license or otherwise regulate a
27 profession or occupation.

28 (cf: P.L.2009, c.41, s.11)

29
30 12. Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to read
31 as follows:

32 1. The provisions of this act shall apply to the following boards
33 and commissions: the New Jersey State Board of Accountancy, the
34 New Jersey State Board of Architects, the New Jersey State Board
35 of Cosmetology and Hairstyling, the Board of Examiners of
36 Electrical Contractors, the New Jersey State Board of Dentistry, the
37 State Board of Mortuary Science of New Jersey, the State Board of
38 Professional Engineers and Land Surveyors, the State Board of
39 Marriage and Family Therapy Examiners, the State Board of
40 Medical Examiners, the New Jersey Board of Nursing, the New
41 Jersey State Board of Optometrists, the State Board of Examiners of
42 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of
43 Pharmacy, the State Board of Professional Planners, the State Board
44 of Psychological Examiners, the State Board of Examiners of
45 Master Plumbers, the State Board of Court Reporting, the State
46 Board of Veterinary Medical Examiners, the Radiologic
47 Technology Board of Examiners, the Acupuncture Examining
48 Board, the State Board of Chiropractic Examiners, the State Board

1 of Respiratory Care, the State Real Estate Appraiser Board, the New
2 Jersey Cemetery Board, the State Board of Social Work Examiners,
3 the State Board of Examiners of Heating, Ventilating, Air
4 Conditioning and Refrigeration Contractors, the State Board of
5 Physical Therapy Examiners, the State Board of Polysomnography,
6 the Orthotics and Prosthetics Board of Examiners, the New Jersey
7 Board of Massage and Bodywork Therapy, the State Board of
8 Geologist Examiners, the Genetic Counseling Advisory Committee
9 and any other entity hereafter created under Title 45 to license or
10 otherwise regulate a profession or occupation.

11 (cf: P.L.2009, c.41, s.12)

12

13 13. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read
14 as follows:

15 2. The provisions of this act shall apply to the following boards
16 and all professions or occupations regulated by, through or with the
17 advice of those boards: the New Jersey State Board of
18 Accountancy, the New Jersey State Board of Architects, the New
19 Jersey State Board of Cosmetology and Hairstyling, the Board of
20 Examiners of Electrical Contractors, the New Jersey State Board of
21 Dentistry, the State Board of Mortuary Science of New Jersey, the
22 State Board of Professional Engineers and Land Surveyors, the
23 State Board of Marriage and Family Therapy Examiners, the State
24 Board of Medical Examiners, the New Jersey Board of Nursing, the
25 New Jersey State Board of Optometrists, the State Board of
26 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,
27 the Board of Pharmacy, the State Board of Professional Planners,
28 the State Board of Psychological Examiners, the State Board of
29 Examiners of Master Plumbers, the State Board of Court Reporting,
30 the State Board of Veterinary Medical Examiners, the State Board
31 of Chiropractic Examiners, the State Board of Respiratory Care, the
32 State Real Estate Appraiser Board, the State Board of Social Work
33 Examiners, the State Board of Examiners of Heating, Ventilating,
34 Air Conditioning and Refrigeration Contractors, the State Board of
35 Physical Therapy Examiners, the State Board of Polysomnography,
36 the Professional Counselor Examiners Committee, the New Jersey
37 Cemetery Board, the Orthotics and Prosthetics Board of Examiners,
38 the Occupational Therapy Advisory Council, the Electrologists
39 Advisory Committee, the Acupuncture Advisory Committee, the
40 Alcohol and Drug Counselor Committee, the Athletic Training
41 Advisory Committee, the Certified Psychoanalysts Advisory
42 Committee, the Fire Alarm, Burglar Alarm, and Locksmith
43 Advisory Committee, the Home Inspection Advisory Committee,
44 the Interior Design Examination and Evaluation Committee, the
45 Hearing Aid Dispensers Examining Committee, the Landscape
46 Architect Examination and Evaluation Committee, the Perfusionists
47 Advisory Committee, the Physician Assistant Advisory Committee,
48 the Audiology and Speech-Language Pathology Advisory

1 Committee, the New Jersey Board of Massage and Bodywork
2 Therapy, the State Board of Geologist Examiners, the Genetic
3 Counseling Advisory Committee and any other entity hereafter
4 created under Title 45 to license or otherwise regulate a profession
5 or occupation.

6 (cf: P.L.2009, c.41, s.13)

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8 14. This act shall take effect immediately, except that section 6
9 of this act shall take effect on the 360th day following the effective
10 date.

11 12 13 STATEMENT

14
15 This bill provides for the licensing of geologists and establishes
16 the State Board of Geologist Examiners in the Division of
17 Consumer Affairs in the Department of Law and Public Safety to
18 oversee their licensure. The board, to be appointed by the
19 Governor, is to consist of nine members as follows: six licensed
20 geologists, except for those geologists first appointed; two public
21 members; and one member from a department in the Executive
22 Branch of State Government.

23 "Geological science" is defined in the bill as the science that
24 includes: treatment of the earth and its origin and history in general;
25 the investigation of the earth's constituent rocks, minerals, solids,
26 fluids, including surface and underground waters, gases and other
27 materials; and the study of the natural agents, forces, and processes
28 that cause changes in the earth. As defined in the bill, "practice of
29 geological science" means performance of geological service or
30 work including, but not limited to, collection of geological data,
31 consultation, investigation, evaluation, interpreting, planning,
32 geological mapping, or inspection relating to a service or work that
33 applies to geological science.

34 To be eligible for a geologist's license, an applicant must: be of
35 good moral character; have received a baccalaureate or higher
36 academic degree from a college or university, and completed not
37 less than three years of board-approved geologic experience, which
38 shall include a minimum of one year of geological work under the
39 supervision of a geologist licensed in this State, or under the
40 supervision of others who, in the opinion of the board, are qualified
41 to have responsible charge of geological work; or have completed
42 30 semester hours in geological science or related courses approved
43 by the board, of which 24 semester hours are in the junior or senior
44 year or at the graduate level, and no less than five years of geologic
45 experience approved by the board; or have completed at least 10
46 years of practical geologic experience approved by the board; and
47 have successfully passed an examination administered or approved
48 by the board covering the fundamentals and practice of geological

1 science. In regard to the above professional experience
2 requirement, the following credentials may be substituted: one year
3 of professional experience will be credited to an applicant with a
4 master's degree in geological science from an accredited college or
5 university and two years of professional experience will be credited
6 to an applicant with a doctorate in geological science from an
7 accredited college or university.

8 The bill stipulates that no person shall engage in the practice of
9 geological science as a licensed geologist or present, call or
10 represent himself as a licensed geologist unless licensed in
11 accordance with the provisions of this bill. The bill also specifies
12 that its provisions shall not apply to persons licensed by the State as
13 professional engineers or land surveyors who are acting within the
14 scope of their profession.

15 In addition, the bill provides that the provisions of P.L.1978,
16 c.73 (C.45:1-14 et seq.), which is the uniform enforcement act for
17 professional and occupational licensing boards under the
18 jurisdiction of the division and also establishes uniform standards
19 for revocation, suspension and other disciplinary sanctions, applies
20 to applicants and licensees of the State Board of Geologist
21 Examiners.